

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JASON MENCER, VINCENT DOUGHERTY,
TIM HARROLD, ROSS HEPBURN, JOSH
FRASIER, and CODY WALDEN, individually
and on behalf of members of the proposed
Classes,

Plaintiffs,

v.

NBTY, INC., UNITED STATES
NUTRITION, INC., and
HEALTHWATCHERS, INC.,

Defendants.

Case No.: 2:14-cv-05030-LDW-AKT

**PROPOSED ORDER CONFIRMING
STIPULATION FOR DISMISSAL
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 41(a)(1)(A)(ii)**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
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LONG ISLAND OFFICE

The Court, having considered the parties' Stipulation for Dismissal Pursuant to Fed. R. Civ. P. 41(a), and good cause appearing therefor, hereby confirms that:

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedures, all claims, counterclaims, and defenses between Plaintiffs VINCENT DOUGHERTY, TIM HARROLD, and CODY WALDEN and the Defendants, NBTY, INC., UNITED STATES NUTRITION, INC., and HEALTHWATCHERS, INC., in this

action are hereby dismissed, without prejudice. Counts II and IV are dismissed in their entirety, without prejudice. The parties shall bear their own costs, expenses and attorneys' fees.

IT IS SO ORDERED.

Dated: February 4, 2015
Central Islip, NY

By: 
Leonard D. Wexler
United States District Judge